

From: Wesley Taylor
To: Microsoft ATR
Date: 1/26/02 12:26pm
Subject: Microsoft Settlement

To: Renata B. Hesse
Antitrust Division
U.S. Department of Justice
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I am writing to comment on the proposed Microsoft settlement as specified under the Tunney Act. In short I agree with the problems identified in Dan Kegel's analysis (on the Web at <http://www.kegel.com/remedy/remedy2.html>). I specifically want to emphasize problems with the PFJ which affect me as a programmer.

No operating system has any use whatsoever without applications. Thus I am especially concerned about several aspects of the PFJ. First, I believe that the requirement that Microsoft publish its secret API's is not broad enough to require it to publish enough of the API's to enable third party software developers to write programs that compete at any level. This is a problem both for third party application developers, and third party operating system developers such as Sun, Apple or Linux who are trying to write their systems to enable Windows applications to run on their systems. I urge you to seek a broader definition of API from third party software developers which they feel would be sufficient to develop commercially viable software that could interoperate with Windows operating systems or applications.

Second, I disagree with the section of the PFJ which requires the release of API documentation but prohibits competitors from using this documentation to help make their operating systems compatible with Windows.

This goes hand in hand with my first point. A big part of a programmer's software development is checking the documentation of the API's (s)he is using to ensure that his/her own application will interface properly. Prohibiting the use of documentation by competitors is nearly equivalent to not publishing the API's. This prohibition neatly undoes the requirement that the API's be published in the first place.

Third, I urge you to require that Microsoft release documentation which completely describes the format of Microsoft Office documents. A major concern of people who go to purchase a computer is whether they will be able to read documents from others. This means in nearly all cases being able to read Microsoft documents. The usual answer is "no, this program (or this computer) only reads some Microsoft documents." In order to enable third party developers, especially application developers, to compete, they must be able show that their customers have real

compatibility. Third party software must be able to read and write Microsoft documents formats, and to do this Microsoft must publish it's Office Document formats.

Finally, I am pessimistic about the enforcement of the PFJ as a whole. I believe that Microsoft has consistently, and with full understanding of what they were doing, broken previously imposed restraints on their monopolistic practices. I urge you to develop a strong system of restraints on Microsoft to enforce whatever PFJ is finally imposed.

Sincerely,
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